

## **REMARKS**

### **A. Introduction**

Claims 1-8 were pending and under consideration in the application.

In the Office Action of February 2, 2010 claims 1-6 and 8 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Lambino et al., US 2002/0073358 A1, (hereinafter, “*Lambino*”) in view of Curry, et al., U.S. 6,032,248, (hereinafter, “*Curry*”).

In response, Applicants seek to amend the claims for clarity. No new matter is being added.

### **B. Rejections under 35 U.S.C. 103(a)**

Claims 1-6 and 8 were rejected under 35 U.S.C. § 103(a), as being unpatentable over *Lambino* in view of *Curry*.

In relevant part, independent claims 1 and 8 now recite a RCC which prevents a CPU from accessing a non volatile memory while the RCC determines which data block to output to the CPU.

This is clearly unlike *Lambino* which fails to disclose or even fairly suggest preventing a CPU from accessing a non volatile memory while a RCC determines which data block to output to the CPU. Instead, *Lambino* merely discloses a mini boot block which validates a start up block and which changes the start up block to another block if the current start up block is invalid. See, U.S. Pat. Pub. No. 2002/0184435, Para.[0020]-[0021]. This cannot be fairly viewed as disclosing a RCC which prevents a CPU from accessing a non volatile memory while the RCC determines which data block to output to the CPU because *Lambino* does not disclose anything pertaining to denying access to the block locations while the blocks are examined.

*Curry*, similarly, fails to disclose anything pertaining to preventing access to a non volatile memory, much less a RCC which prevents a CPU from accessing a non volatile

memory while the RCC determines which data block to output to the CPU.

As the Applicant's specification discloses, by preventing the CPU from accessing the non volatile memory while an RCC determines which block to output to the CPU, the start up data is quickly validated and the CPU can always execute a valid start up program. See, U.S. Pat. No. 2008/0046637, Para. [0055].

Therefore, because Lambino, Curry or any possible combination of them fails to disclose or even fairly suggest every features of claims 1 and 8, the rejection of claims 1 and 8 cannot stand. Because claims 2-7 depend, either directly or indirectly from claims 1 and 8, they are allowable for at least the same reasons.

**C. Conclusion**

In view of the foregoing, it is submitted that claims 1-8 are allowable and that the application is in condition for allowance. Early notice to that effect is respectfully requested.

If the Examiner believes that, for any reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below, for purposes of arranging for a telephonic interview. Any communication initiated by this paragraph should be deemed an Applicant-Initiated Interview.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

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